

EPA Expectations Going Forward:

On-Water Activities:

1. Continue Patrol and Monitor Activities in the Houston Ship Channel in the affected areas (Beltway 8 to I-10 to SH146) for areas of consistent sheen or identification of spilled materials. Specific areas that should be included in the weekly water operations updates include any areas where on-going passive response work is being conducted (i.e. Jacinto Port manholes). Once you believe these areas to be complete and require no further actions, you can request to discontinue these actions from EPA and TCEQ.
2. Actions must be taken to address the impacted area consistent with the treatment recommendations approved by Unified Command (UC) SCAT Plan. Change out sorbent boom as necessary. Consult with TCEQ/USCG on the final removal of sorbent or hard boom and include in the weekly water operations update.
3. Use Oil/Water interphase probe to monitor for materials remaining within the manholes at Jacinto Port to determine the need for additional recovery activities. Once you believe these areas to be complete and require no further actions, you can request to discontinue this action from the EPA and TCEQ.
4. Complete weekly 214s or similar documentation noting the observations from the Patrol and Monitoring activities of the affected area as well as special areas identified above. These reports shall also include Shoreline Inspection Report (SIR) maps, and Absorbent and Containment Boom Maps. These weekly reports should be emailed Thursday of each week to:
 - a. TCEQ (spill12@tceq.texas.gov),
 - b. the USCG Sector Houston-Galveston (USCGIMDHouston@gmail.com), and
 - c. EPA (Adams.Adam@epa.gov, Moore.Gary@epa.gov, Zehner.Warren@epa.gov, and EPA Contractor Daniel.Tighe@WestonSolutions.com).
5. Report any new areas of material or sheen observance to the National Response Center at (800) 424-8802 and indicate that it is associated with the ITC Fire Incident (NRC# 1240304) of March 17, 2019.

Tank Farm Activities:

1. Complete deconstruction and remove remaining materials from the tanks;
2. Complete the clean-out of facility drainage systems to prevent release of additional materials;
3. Prepare assessment and remediation plans as appropriate as defined by TCEQ for the tank farm;

Drainage Pathways:

1. Independence Parkway – Insure the removal of any remaining free product.
2. Tidal Road Ditch – Insure the removal of any remaining free product.
3. Tucker Ditch (all impacted area north and south of Tidal Road)– Insure the removal of any remaining free product.
4. Industrial Property along drainage pathway – Insure the removal of any remaining free product.
5. Prepare assessment and remediation plans as defined by the TCEQ for the drainage pathways and industrial properties along the drainage pathways.

Community/Industrial Neighbor Air Monitoring/Sampling:

Prior to transition, consult with UC (EPA and TCEQ) on any reduction effort proposal. After transition, consult with TCEQ on any reduction effort proposal.

1. Maintain the air monitoring effort within the community/industrial area.
2. Maintain the air sampling effort within the community/industrial area.

Documentation and Report:

1. Other than for any on-going obligations, within thirty (30) days (or as determined by the EPA FOSC) after completion of all Work required by EPA under the March 23, 2019 Order for this emergency response, Potentially Responsible Party (PRP, in this case ITC) shall submit for EPA review and acceptance a final report summarizing the actions taken to comply with the Order. The final report shall conform, at a minimum, with the requirements set forth in Section 300.165 of the NCP entitled “OSC Reports.” The final report shall include a good faith estimate of total costs or a statement of actual costs incurred in complying with the Order, a listing of waste stream quantities and types of materials removed off-site or handled on-site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination(s) of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits). The final report shall also include the following certification signed by a responsible corporate official of PRP or PRP’s Project Coordinator:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. The final report to EPA shall also include all response documentation in the IAP software, maps, photos, videos, waste report (summary table, manifests, certificates of

disposal), chronology of the incident and response, etc. We can discuss this as we get closer to the end of the response at your convenience.

- a. Typically, this is submitted approximate 30 days after completion of the response but is at the discretion of the EPA FOSC. Due to the size of this incident and response effort, it is being considered that the final report can be provided within 60 days following completion of the response.
 - b. EPA is considering the end of the emergency response to be the date EPA transitions oversight to TCEQ and/or there is no substantial threat of release or discharge from the Site.
3. Document retention. VI. 20. Of the Order details document retention requirements.
4. Progress Reports will initially be submitted daily but may be changed at the discretion of the EPA FOSC. These reports will describe response efforts during the reporting period and planned activities for the following reporting period. As the response effort continues, submission of the progress reports may be extended to weekly or monthly or other period of time at the discretion of the EPA FOSC. Progress reporting should include details for:
 - a. Tank Deconstruction Status and Progress
 - b. WWTP Tank 80-34 Status in regards to the April 17, 2019 FOSC Authorization to Discharge
 - c. Air monitoring status (brief summary of air monitoring results)
 - d. Waste disposal status (Total estimate of each waste stream to be disposed, Units shipped during this period, Cumulative shipped, Remaining, disposal facility, and plans for the next period for shipment of a new waste stream).

Correspondence: Until the response oversight is transitioned to TCEQ, please continue to cc EPA in correspondence with TCEQ regarding the response effort, so all members of UC have situational awareness. The following will be included in all correspondence:

1. EPA Contacts are listed above.
2. TCEQ Contact is Spill12@tceq.texas.gov
3. ITC Primary Contact is Brent Weber (bweber@iterm.com)
4. ITC Secondary Contacts are Mike Gaudet (MGaudet@iterm.com) and David Wascome (Dwascome@iterm.com)

Please provide contact numbers for ITC contacts to EPA contacts (reply to all) to confirm receipt of these expectations.

TCEQ/EPA may add additional expectations relative to continued cleanup operations.